

FILE COPY

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

RE: IN RE: ASBESTOS PERSONAL INJURY LITIGATION, KANAWHA COUNTY CIVIL ACTION NO. 03-C-9600: ASBESTOS EXIGENT CASES [ALL CASES FILED AFTER SEPTEMBER 6, 2001, AND SERIOUS INJURY, E.G. MESOTHELIOMA CASES] (APPROXIMATELY 1,230 CASES)

WHEREAS, By Administrative Order entered April 2, 2003, the Honorable Ronald E. Wilson, Chief Judge of the First Judicial Circuit, the Honorable James P. Mazzone, Judge of the First Judicial Circuit, and the Honorable Mark A. Karl, Chief Judge of the Second Judicial Circuit, were assigned to assist and preside in the following asbestos litigation cases with said cases to be tried in the Counties in the First and Second Judicial Circuits:

In Re: Asbestos Personal Injury Litigation, Kanawha County Civil Action No. 03-C-9600: Asbestos Exigent Cases [All cases filed after September 6, 2001, and serious injury, e.g. Mesothelioma cases]; and

In Re: Asbestos Personal Injury Litigation, Kanawha County Civil Action No. 03-C-9800: Asbestos Remnant Docket [Involving all severed cases; cases against Owens-Illinois; A & I Co.; Cypress Foote; Lockheed; and Valley Supply (Paul Harris)] (Approximately 13,000 cases); and

WHEREAS, The aforementioned Order directed the Honorable Arthur M. Recht, Judge of the First Judicial Circuit and Chairman of the Mass Litigation Panel, to enter a case management order in the Circuit Court of Kanawha County and to provide a copy of said order to the Chief Justice of the Supreme Court of Appeals, which identified all of the cases under case number 03-C-9600, the counties to which Judge Recht recommended they be transferred, and the judge or judges he would recommend be assigned to preside; and

WHEREAS, The aforementioned Order also provided that once the Chief Justice received Judge Recht's recommendations, and if the Chief Justice approved said recommendations, an order would be entered transferring the asbestos cases identified in the case management order to one of the Counties in the First or Second Judicial Circuits

and one or more of the aforementioned judges would be assigned to preside in said cases; and

WHEREAS, Judge Recht has submitted to the Chief Justice the following:

- 1) A Case Management Order for In Re: Asbestos Personal Injury Litigation, Kanawha County Civil Action No. 03-C-9600 entered March 25, 2003; and
- 2) A letter recommending that the Honorable Ronald E. Wilson be assigned to preside in regard to Civil Action No. 03-C-9600 with the trials to occur within the First or Second Judicial Circuit at the discretion of Judge Wilson; and
- 3) A copy of all plaintiffs (individual case numbers identified) within Civil Action No. 03-C-9600; and

WHEREAS, Upon review thereof, the Chief Justice of the Supreme Court of Appeals has determined that all cases identified as Kanawha County Civil Action No. 03-C-9600 (Asbestos Exigent Cases - all cases filed after September 6, 2001, and serious injury, e.g. Mesothelioma cases - approximately 1,230 cases) should be transferred to the Hancock County Circuit Court with the Honorable Ronald E. Wilson presiding;

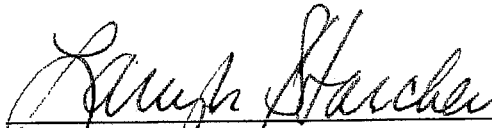
IT IS THEREFORE ORDERED, That all cases identified as Kanawha County Civil Action No. 03-C-9600 (Asbestos Exigent Cases - all cases filed after September 6, 2001, and serious injury, e.g. Mesothelioma cases - approximately 1,230 cases), which said list of individual case numbers are provided in Exhibit A (Attached), be and they hereby are transferred to the Hancock County Circuit Court with the Honorable Ronald E. Wilson presiding, and said cases to be identified as Hancock County Civil Action No. 03-C-9600; and

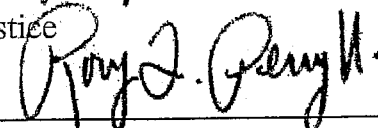
IT IS THEREFORE ORDERED, The Clerk of the Circuit Court of Kanawha County need take no action to remove or otherwise transfer these matters until further direction is received in writing from the Honorable Ronald E. Wilson, Chief Judge of the First Judicial Circuit; and

IT IS FURTHER ORDERED, That a copy of this order and Exhibit A, which is attached, be provided to the Mass Litigation Panel, the Honorable Ronald E. Wilson, the Honorable James P. Mazzone, the Honorable Mark A. Karl, and the Clerks of the Circuit Courts of Kanawha and Hancock Counties; and

IT IS FINALLY ORDERED, That the Honorable Arthur M. Recht, Chairman of the Mass Litigation Panel, hereby is directed to designate one law firm for the plaintiffs and one law firm for the defendants as lead counsel for the purpose of receiving and disseminating copies of this order and Exhibit A, and that he provide a copy of this order and Exhibit A to each law firm with instructions to disseminate to all other plaintiffs' and defendants' counsel respectfully.

ENTERED: AUGUST 7, 2003


LARRY V. STARCHER
Chief Justice

Attest: 
Rory L. Perry II, Clerk
Supreme Court of Appeals